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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,189	12/30/2003	Bran Ferren	APPL0031	9149

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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

EXAMINER

BROADHEAD, BRIAN J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/750,189	Applicant(s) FERREN ET AL.	
	Examiner Brian J. Broadhead	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8,14-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,14-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4-25-06 has been entered.

Claim Objections

2. Claim 1 is objected to because of the following informalities: The amendment on line 11 makes the claim read "... the total area of the of modules...". It is believed the added "of" is unnecessary. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6, 8, 14-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kempen et al., 6421593, in view of Glatzmeier et al., 5785372.

5. As per claims 1, 15, and 16, Kempen et al. disclose a standardized vehicle platform (1417); a plurality of fixation sites along said platform (1681, 1682), said fixation sites comprising standardized interconnection means for any of mechanical,

electrical, and fluid interconnection with any one or more of a plurality of specialized functional modules that are readily attached to said standardized platform via said interconnection means, said fixation sites being located along said vehicle platform at standardized intervals to accept one or more of said modules on lines 2-15, on column 29; and a computer implemented control and communications protocol communicatively provided throughout said platform for recognizing any of a module's presence, identity, capability, and function, and for configuring said vehicle accordingly on lines 15-38, on column 29. Kempen et al. do not disclose said fixation sites defining fractional locations along an overall platform extent, wherein said platform receives a plurality of said modules, wherein said modules have an extent that is equal to, or that is a fraction of, said platform extent, and wherein any number of modules having a total, combined extent that is less than or equal to the extent of said platform may be attached to said platform at any given time. Glatzmeier et al. teach said fixation sites defining fractional locations along an overall platform extent, wherein said platform receives a plurality of said modules, wherein said modules have an extent that is equal to, or that is a fraction of, said platform extent, and wherein any number of modules having a total, combined extent that is less than or equal to the extent of said platform may be attached to said platform at any given time in figure 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the smaller and plural modules of Glatzmeier et al. because such modification would provide rapid and free assembly of variously fitted equipment cabs...due to rapidly-changing conditions of use, as stated on lines 20-28, on column 1, of Glatzmeier et al.

6. As per claims 3, 4, and 5, Kempen et al. disclose a dedicated path about said platform for effecting individual module control (1460); a computer implemented vehicle operating system for controlling said modules (1511); a plurality of custom interfaces (31,32,33) for any of contact closures, lighting, power, control, and interface to computers on board one or more of said modules.

7. As per claim 6, Kempen et al. disclose means for recognizing said modules personality on lines 15-38, on column 29.

8. As per claims 8, and 14, Kempen et al. disclose means for controlling vehicle operation and configuration, both in accordance with a current vehicle complement of said modules and in accordance with vehicle resources and performance specifications on lines 26-37, on column 16; and means for acknowledging each module, and for performing a background calculation for any of module weight, balance, and power consumption on lines 14-38, on column 29.

9. As per claims 18, Kempen et al. disclose means for any of assessing any of module weight, power consumption, size, and functionality; determining whether a complement of modules fit within design limits of said platform; and dynamically configuring a user interface to express functionality of each of said modules installed on said platform on lines 15-38, on column 29.

Response to Arguments

10. Applicant's arguments filed 4-25-06 have been fully considered but they are not persuasive. Applicant has argued that his invention overcomes the teachings of German patent DE-C-35 17 290, while it was the invention of Glatzmeier et al. cited in

the rejection. While the motivation originates with DE-C-35 17 290, Glatzmeier et al. recognize the advantages of a modular system and improves upon it (see lines 60-65, on column 1). Glatzmeier et al. provide several attachment sites that are approximate standardized fractional sizes of the total area of the platform (see figure 5).

11. Applicant also provides arguments that the secondary reference does not teach certain limitations such as electrical or fluid interconnections. This is not relevant since the secondary reference was not cited for those teachings. As pointed out in the rejections, Kempen et al. disclose these limitations.

12. The argument that applicant's modules are not fitted into the body of the vehicle but together comprise the body of the vehicle in his invention and therefore overcomes the cited references is not convincing because this limitation is not claimed.

Conclusion

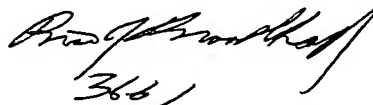
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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